

Ser No.: 10/058,206

Response to Off. Action mailed 06/02/2003

REMARKS

Claims 10, 11, 14 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shamblin (U.S. Patent Number 5,605,415) in view of McKown (U.S. Patent Number 2,586,472). Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over Shamblin (U.S. Patent Number 5,605,415) in view of McKown (U.S. Patent Number 2,586,472) and Carillo (U.S. Patent Number 4,449,845).

Claims 10 and 16 have been amended to include the composition of the first and second handle brackets, specifically the moveable threaded socket (90) which provides 360 degrees of movement for the socket and the handle once each handle is attached to the socket (Support is found at page 8, lines 10-13). Further, claims 10 and 16 are limited to the first engagement member and the second engagement member being both easily attachable and removable from the straight edge wooden board (Support is found at page 8 lines 14-17). Additionally, claims 10 and 16 have been amended to having the handles limited to a length of 12 to 36 inches (Support is found at page 7, line 13). Yet further claims 10 and 16 have been amended to limit the apparatus for use by a single user and to be fit to the user (Support is found at page 8, lines 1-4).

Shamblin is limited to operation by "two individuals who place the bar on the concrete forms." See Column 2, lines 32-33. A pair of wooden handles 24 and 26, preferably about five feet in length, extend outwardly and pivotally from the attachments 12. In order to manipulate the screed bar 10 over the concrete 30 **two men (not shown) would be required.** See column 3, lines 14-19. Further, Shamblin has "a plurality of double headed nails 22 [that] are driven through

Ser No.: 10/058,206

Response to Off. Action mailed 06/02/2003

suitable holes in the U-shaped member 14.”

Thus, unlike the invention of the amended claims of the Present Application, the device of Shamblin is not operated by a single user and the device of Shamblin is not easy to assemble and disassemble. Shamblin teaches to fix the device to the straight edge board and a device that is required to be used by two operators.

Therefore, it is believed that the invention of the amended claims of the Present Application are allowable in view of the prior art. The Applicant respectfully solicits a Notice of Allowance for the pending claims.

August 27, 2003

Respectfully submitted,



Michael A. Catania

Registration Number 36,474

Attorney for Applicant

E-mail: mmmgcarlsbad@MSN.com

Telephone: 760-931-1074